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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Fidelina Torees and Abel Ernesto Ortega-Ozuna,
Husband and Wife,

Plaintiff,

vs.

Cardenas Markets, LLC; Doe Employee; Does II
through V and Roe Corporations VI through X,
inclusive,

Defendant.

Case No.: 2:22-cv-1665

**Cardenas Markets LLC's Petition for
Removal**

Cardenas Markets, LLC petitions to remove this case to the United States District Court for the District of Nevada from the Eighth Judicial District Court for the State of Nevada. This petition for removal is signed per Rule 11.

Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per 28 U.S.C. 1332. Plaintiffs Fidelina Torres and Abel Ernesto Ortega-Ozuna allege they are residents of Nevada.¹ Cardenas Markets, LLC's sole member is Cardenas Holdings, LLC, whose sole member is Hispanic Food Holdings, LLC. Hispanic Food Holdings, LLC's members are 1) Cardenas Markets, Inc, a California entity with its principal place of business in California; 2) NMFP Holdings, Inc., a California entity with its principal place of business in California; and 3) Train Investment Trust, whose trustee is a California citizen.

¹ ECF No. 1-2 at ¶ 1.

Plaintiff's filed their complaint on August 29, 2022 alleging injury from a slip and fall event occurring on September 9, 2020.² On October 3, 2022 Plaintiff filed a procedural motion in state court alleging as a result of her injuries that she has received medical care costing \$26,914.50.³ She also notes she has a surgical recommendation for her right knee that is estimated to cost between \$40,000 to \$60,000. Plaintiff's combined medical treatment creates an amount in controversy that exceeds \$75,000.

Based upon this, diversity jurisdiction is present and timely invoked.

DATED this 3rd day of October, 2022.



BY: /s/ Michael Lowry

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Certificate of Service

Pursuant to NRCP 5, I certify on October 3, 2022, I served **Cardenas Markets LLC's** **Petition for Removal** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

SIMON LAW 810 S. Casino Center Blvd. Las Vegas, NV 89101 Attorneys for Plaintiff	
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BY: /s/ Michael Lowry

² ECF No. 1-2 at ¶¶ 10-12.

³ ECF No. 1-4.